

MINUTES

AGENDA

BOARD OF ZONING APPEALS-ZONING

JUNE 15, 2021

5:15 P.M.

"virtually via Zoom Webinar"

8:44 P.M.

MEMBERS PRESENT: MICHAEL ROBINSON, HOWELL MORRISON, ALLISON GRASS, WALTER JAUDON, ROBBEN RICHARDS, JOHN BENNETT, GEIZA VARGAS-VARGAS
STAFF PRESENT: LEE BATCHELDER, PENNYE ASHBY, SCOTT VALENTINE

A. Review of Minutes and Deferred applications from previously advertised BZA-Z agendas. For information call 724-3765.

1. REVIEW OF MINUTES OF THE JUNE 1, 2021 BOARD MEETING **APP. NO. 2106-15-A1**

APPROVED XX WITHDRAWN 0
DISAPPROVED 0 DEFERRED 0

MOTION: Approval.

MADE BY: H.Morrison SECOND: W.Jaudon VOTE: FOR 7 AGAINST 0

B. New applications.

1. 48 SOCIETY ST. (ANSONBOROUGH) (458-01-03-039) APP. NO. 2106-15-B1

Request reconsideration of the Board's decision on May 4, 2021 to approve a salon with conditions in a STR (Single and Two Family Residential) zone district.

Owner: WMJR, LLC (Edward and Leda Jackson)
Applicant: James Rice on behalf of HANA

APPROVED XX WITHDRAWN 0
DISAPPROVED 0 DEFERRED 0

MOTION: Approval.

MADE BY: G.Vargas-Vargas SECOND: W.Jaudon VOTE: FOR 4 AGAINST 0
*M.Robinson, J.Bennett recused
*R.Richards did not vote

2. 1012 AVENUE OF OAKS (MARYVILLE/ASHLEYVILLE) (418-06-00-124) APP. NO. 2106-15-B2

Request an appeal of the Zoning Administrator's decision to deny building permit on the grounds that the proposed home exceeds the 2 ½ story height restriction for the SR-1 (Single-Family Residential) zone district under Sec. 54-301, because the home's designed drive-under garage constitutes a 3rd story under Sec. 54-120.
Zoned SR-1

Owner: Crescent Homes SC, LLC
Applicant: E. Brandon Gaskins, Esq., Moore & Van Allen PLLC

APPROVED 0 WITHDRAWN 0
DISAPPROVED 0 DEFERRED XX

MOTION: Deferral.

MADE BY: H.Morrison SECOND: W.Jaudon VOTE: FOR 7 AGAINST 0

3. AVENUE OF OAKS (MARYVILLE/ASHLEYVILLE) APP. NO. 2106-15-B3
(LOTS 1-7, 16 AND 42) (418-06-00-119-125, 134 AND 160)

Request variance from Sec. 54-301 to allow construction of 3-story single-family residences (Lots 1-7, 16 and 42 that exceed 35-ft. in height (Limit is 2 ½ stories, 35-ft.).
Zoned SR-1

Owner: Crescent Homes SC, LLC
Applicant: Kelly McGuinn

APPROVED XX WITHDRAWN 0
DISAPPROVED 0 DEFERRED 0

MOTION: Approval with conditions: Total building height limited to 37.5 feet and ground level (garage, storage) cannot to be converted into conditioned living space.

MADE BY: J.Bennett SECOND: H.Morrison VOTE: FOR 7 AGAINST 0

4. 2 ANSON ST. (458-05-03-131) APP. NO. 2106-15-B4

Request third one-year extension of a vested right, pursuant to Sec. 54-962, that expired on December 31, 2020. Vested right pertains to a special exception granted under Sec. 54-220 on February 2, 2016 for a 50-unit accommodations use with conditions in a GB-A (General Business-Accommodations) zone district.

Owner: Rainbow Market, LLC
Applicant: G. Trenholm Walker, Walker Gressette Freeman & Linton, LLC

APPROVED 0 WITHDRAWN 0
DISAPPROVED XX (Motion #2) DEFERRED 0

MOTION #1: Deferral.
MADE BY: H.Morrison SECOND: J.Bennett

VOTE FOR: H.Morrison, J.Bennett, M.Robinson
VOTE AGAINST: A.Grass, R.Richards, G.Vargas-Vargas
Motion failed (W.Jaudon left the meeting). Tie 3-3

MOTION #2: Disapproval.
MADE BY: A.Grass SECOND: R.Richards

VOTE FOR: A.Grass, R.Richards, G.Vargas-Vargas, M.Robinson
VOTE AGAINST: H.Morrison, J.Bennett
4-2 Motion carried

5. 40-46 MARKET ST. (458-05-03-035) APP. NO. 2106-15-B5

Request third one-year extension of a vested right, pursuant to Sec. 54-962, that expired on December 31, 2020. Vested right pertains to a special exception granted under Sec. 54-220 on February 2, 2016 for a 50-unit accommodations use with conditions and a variance granted from Sec. 54-306 to allow a 3-story building in a GB-A (General Business- Accommodations) zone district.

Owner: Rainbow Market, LLC
Applicant: G. Trenholm Walker, Walker Gressette Freeman & Linton, LLC

APPROVED 0 WITHDRAWN 0
DISAPPROVED XX DEFERRED 0

MOTION: Disapproval.

MADE BY: A.Grass SECOND: R.Richards VOTE: FOR 4 AGAINST 2
*A.Grass *H.Morrison
*R.Richards *J.Bennett
*M.Robinson
*G.Vargas-Vargas

**6. 125/127 SMITH ST. (RADCLIFFEBOROUGH) APP. NO. 2106-15-B6
(460-15-04-013 AND 012)**

Request special exception under Sec. 54-110 to allow a property line adjustment that reduces the non-conforming lot area for 125 Smith St. from 2,556sf to 2,173sf and increases the non-conforming lot area for 127 Smith St from 2,431sf to 2,814sf (4,000sf required).
Request variance from Sec. 54-301 for 125 Smith St. to allow a 42% lot occupancy and 7-ft. total side setback (35% limit, existing lot occupancy 36%; 15-ft. required).
Request special exception under Sec. 54-501 to allow construction of a single-family residence on a lot of insufficient size at 127 Smith St. (Lot area 2,814sf; 4,000sf required).
Request variance from Sec. 54-301 to allow construction of a single-family residence at 127 Smith St. with a 1.5-ft. south side setback, a 13-ft. total side setback and 44% lot occupancy (9-ft. 15-ft. required, 35% limitation).
Zoned DR-1

Owner: Michael Ellison
Applicant: Michael Ellison

APPROVED XX WITHDRAWN 0
DISAPPROVED 0 DEFERRED 0

MOTION: Approval.

MADE BY: G.Vargas-Vargas SECOND: H.Morrison VOTE: FOR 6 AGAINST 0

7. 40 SAVAGE ST. (CHARLESTOWNE) (457-12-03-131) APP. NO. 2106-15-B7

Request special exception under Sec. 54-110 to allow a horizontal expansion (kitchen expansion/bedroom) and vertical extension (master bedroom suite/closet/stairs) that extends a non-conforming 1.9-ft. east side setback and non-conforming 3-ft. rear setback (3-ft. and 25-ft. required).
Zoned DR-1F

Owner: Chris Allen
Applicant: EE Fava Architects

APPROVED XX WITHDRAWN 0
DISAPPROVED 0 DEFERRED 0

MOTION: Approval.

MADE BY: H.Morrison SECOND: A.Grass VOTE: FOR 5 AGAINST 0
*J.Bennett recused

8. 12 TRADD ST. (CHARLESTOWNE) (458-09-03-155) APP. NO. 2106-15-B8

Request special exception under Sec. 54-110 to allow a horizontal expansion (kitchen expansion/stair/hallway) and vertical extension (loft/stair) that extends a non-conforming 1.5-ft. north side setback (3-ft. required).
Request variance from Sec. 54-301 to allow an addition (stair/hallway) with a 0-ft. rear setback having a 62% lot occupancy (3-ft. required, 35% limitation; existing lot occupancy 55%).
Zoned SR-5

Owner: Bowe and Edward Pritchard
Applicant: EE Fava Architects

APPROVED XX

WITHDRAWN 0

DISAPPROVED 0

DEFERRED 0

MOTION: Approval.

MADE BY: A.Grass SECOND: R.Richards VOTE: FOR 5 AGAINST 0

*J.Bennett recused

9. 8 FENWICK DR. (OLD WINDERMERE) (421-11-00-025) APP. NO. 2106-15-B9

Request variance from Sec. 54-301 to allow one-story additions (pantry/porch/carport/shed/ covered walkway) with a 2-ft. rear setback; to allow carport with a 20-ft. front setback (25-ft. and 60-ft. required).

Zoned SR-2

Owner: Troy Baird
Applicant: Troy Baird

APPROVED XX

WITHDRAWN 0

DISAPPROVED 0

DEFERRED 0

MOTION: Approval.

MADE BY: G.Vargas-Vargas SECOND: J.Bennett VOTE: FOR 6 AGAINST 0

10. 511 RUTLEDGE AVE. (WESTSIDE) (460-07-02-220) APP. NO. 2106-15-B10

Request use variance from Sec. 54-203 to allow a dental office on the ground floor with days of operation Monday-Saturday and hours of operation 8am-5pm in a DR-1F (Diverse-Residential) zone district.

Owner: BFF LLC, Richard Fishman
Applicant: Dr. Susan Dubrinski

APPROVED XX

WITHDRAWN 0

DISAPPROVED 0

DEFERRED 0

MOTION: Approval.

MADE BY: J.Bennett SECOND: H.Morrison VOTE: FOR 6 AGAINST 0

11. 638 KING ST. (CANNONBOROUGH/ELLIOTBOROUGH) APP. NO. 2106-15-B11
(460-04-04-027 AND 028)

Request variance from Sec. 54-317 to allow a restaurant use with 328sf of inside patron use area with one off-street parking space (3 spaces required).

Zoned GB

Owner: Jacqueline Lowndes
Applicant: AJ Architects, Ben D'Allesandro Tenant

APPROVED XX

WITHDRAWN 0

DISAPPROVED 0

DEFERRED 0

MOTION: Approval.

MADE BY: R.Richards SECOND: G.Vargas-Vargas VOTE: FOR 6 AGAINST 0

For more information, contact the Zoning and Codes Division Office at 724-3781.

In accordance with the American with Disabilities Act, people who need alternative formats, ASL (American Sign Language) Interpretation or other accommodation please contact Janet Schumacher At (843) 577-1389 or email to schmacherj@charleston-sc.gov three business days prior to the meeting.